IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE CIVIL JURISDICTION

WRIT PETITION NO.3005 OF 2007

Maharashtra State Electricity
Distribution Co. Ltd. Petitioner
vs
M/s.Everest Paper & Plastic Respondent

Mr.L.M.Acharya for the petitioner.

Mr.K.K.Malpathak for the respondent.

CORAM : ANOOP V. MOHTA,J.

DATED : 17th July, 2007

P.C.

The petitioner, Maharashtra State Electricity Distribution Co. Ltd., has challenged the legality of the order dated 16.11.2006 passed by the Consumer Grievance Redressal Forum, Bhandup Urban Zone, Bhandup, whereby the recovery of bill has been restricted for only two years from May 2004 to April, 2006 by applying the provisions of Section 56(2) of the Electricity Act, 2006.

2. The decision of this Court in **Awadesh S. Pandey vs. Tata Power Company Limited & ors., reported in 2007(1) Mh.L.J. 289** is squarely applicable to the facts and circumstances of the case including Section 56(2) of Electricity Act, 2006. The submission based on **2000 Vol.102(2) Bom.L.R.502- U.A.Thadani & anr. v.**

B.E.S.T.Undertaking & anr. in reference to Section 26 of Electricity Act, 1910 as relied is not applicable on fact. That was a case of mistake. In the present case, there is no such case of mistake at all. Based on the material available and in view of the above judgement,

the authority has passed the order.

3. This Court has observed in Awadesh (supra) as under:

> "... In our opinion, sub-section (2) only provides a limitation, that the recourse to recovery by cutting of electricity supply is limited for a period of two years from the date when such sum became due. As long a sum is due, which is generating company can exercise its power of coercive process of recovery by cutting-of electricity supply. This is a special mechanism provided to enable the license or the generating company to recover its dues expeditiously. The Electricity Act has provided that mechanism for improvement of supply of electricity and to enable the licensee or generating company to recover its dues. Apart from the above mechanism, independently it can make recovery by way of a suit. In our opinion, therefore the impugned order passed by the Electricity Ombudsman does not suffer from any error apparent on the face of the record and consequently there is no merit in this petition."

4. Resultantly, the petition is dismissed.

[ANOOP V. MOHTA,J.]